

## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION

: OF THE
In the Matter of Evan Magee,
Fire Fighter (M1864W), Pennsauken : CIVIL SERVICE COMMISSION

:

CSC Docket No. 2019-2897

**Examination Appeal** 

**ISSUED:** June 13, 2019 (RE)

Evan Magee requests that additional volunteer points be added to his final average for the eligible list for Fire Fighter (M1864W), Pennsauken, produced from the examination for Fire Fighter (M9999W).

The examination had a closing date of August 31, 2018, and consisted of a written portion, and a physical performance portion which is pass/fail and is administered after list issuance. The appellant passed the written examination and received a final average of 78.080 and his name appeared on nine lists, including (M1864W), Pennsauken, on which he ranked 14<sup>th</sup>. On his application, the appellant indicated that he commenced his volunteer service with Pennsauken Township on November 1, 2004.

On appeal, the appellant states that he became an active volunteer fireman on November 1, 2004, and should receive the maximum number of volunteer points. He states that an award of only three points is incorrect, and he should have at least seven, which is the number his Fire Chief said he would be receiving.

## CONCLUSION

*N.J.S.A.* 40A:14-45 provides in pertinent part: "in any municipality where an examination is scheduled to determine appointments to the paid or part-paid fire department and force, any qualified fireman having served in the volunteer fire company or force of the municipality **for at least 2 years next preceding such appointment** shall be entitled, in addition to his earned rating, to service credits of

not less than 3 nor more than 10 points as may be determined by the governing body of the municipality or the authority in charge."

The application indicated that "volunteer fire fighters must have a minimum of two years of continuous volunteer service in the jurisdiction where they serve as of the date of appointment to a paid position." This was clarified by the regulation, which specifies that two years of continuous volunteer service must be completed as of the closing date. *See N.J.A.C.* 4A:4-2.15(g)1.

The closing date was August 31, 2018, and the appellant indicated on his application that he began volunteer service on November 1, 2004. When applicants indicate volunteer membership, the Division of Test Development and Analytics contacts the Fire Chief of the jurisdiction regarding volunteer work, as the statute states that credit is given for *service*, not for membership. In this case, the Fire Chief indicated that the appellant started on November 1, 2004, but did not provide volunteer service from 2009 through 2015. As above, *N.J.S.A.* 40A:14-45 provides that volunteer service, for which points are awarded, must be "at least 2 years next preceding such appointment." That is, the service must be continuous, and it is not calculated in the aggregate. As the appellant did not perform continuous service, his start date was January 1, 2016 and he had two full years of continuous volunteer service as of the closing date. As such, his award of three volunteer points is correct.

## **ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE CIVIL SERVICE COMMISSION ON THE 12<sup>th</sup> DAY OF JUNE, 2019

Derrare' L. Webster Cabb

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Chairperson

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 $\operatorname{Director}$ 

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